United Nations A/AC.109/2009/SR.3

General Assembly

Distr.: General
6 July 2009

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 3rd meeting

Held at Headquarters, New York, on Monday, 8 June 2009, at 10 a.m.

Chairman: Mr. Davies (Vice-Chairman) ..... (Sierra Leone)

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09-36204 (E)

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In the absence of Mr. Natalegawa (Indonesia), Mr. Davies (Sierra Leone), Vice-Chairman, took the Chair.

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing

2. **The Chairman** drew attention to aides-memoires 07/09, 08/09, 09/09 and 10/09 relating to the question of the Falkland Islands (Malvinas), the question of Gibraltar, the Special Committee decision of 9 June 2008 concerning Puerto Rico and the question of Western Sahara, respectively, and to the various communications attached thereto, which contained requests for hearing. He took it that the Committee wished to accede to those requests.

3. *It was so decided.*

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/64/67; A/AC.109/2009/L.4)

4. **The Chairman** drew attention to document A/64/67, which contained information provided by the administering Powers under Article 73 *e* of the Charter of the United Nations, and to draft resolution A/AC.109/2009/L.4.

5. *Draft resolution A/AC.109/2009/L.4 was adopted.*

Dissemination of information on decolonization (A/AC.109/2009/18 and Corr.1; A/AC.109/2009/L.5)

6. **Ms. Paula Refolo** (Director, Strategic Communications Division), introducing the report of the Secretary-General (A/AC.109/2009/18 and Corr.1), said that the activities of the Department of Public Information pertaining to decolonization could be broadly characterized as coverage and outreach. Coverage activities had focused on the work of the General Assembly, particularly the Fourth Committee and the Special Committee, whereas outreach activities had been undertaken through the Department's various information and communications tools and through its networks of United Nations information centres.

7. Since the report had been compiled, the Department had deployed a press officer to cover the Caribbean regional seminar held in Saint Kitts and Nevis in May 2009 and had updated the English online version of the brochure entitled "What the UN Can Do to Assist Non-Self-Governing Territories". The updated version would be uploaded to the decolonization page of the United Nations website soon.

8. The decolonization page of the United Nations website remained an important source of information on the Organization's work on decolonization, receiving an estimated 230 views per week and 12,000 views per year. The Department was working closely with the Decolonization Unit of the Department of Political Affairs, which maintained the decolonization web page, to build a mailing list with a subscription button. The Department of Public Information hoped to use the list to send up-to-date information on decolonization to its target audiences.

9. **Ms. Freda Mackay** (Chief, Decolonization Unit) said that, during the period under review, the Department of Political Affairs had continued, in cooperation with the Department of Public Information, to disseminate information about decolonization with a view to informing the peoples of Non-Self-Governing Territories about the Organization's work in that regard and encouraging steps towards self-determination in those Territories.

10. In preparing working papers for the Committee, the Department of Political Affairs sought the cooperation of the administering Powers in providing information under Article 73 *e* of the Charter; monitored media and Internet sites; and collected, analysed and used relevant information on the situation in the Non-Self-Governing Territories. It also continued to collect and, if so requested, to provide to Member States, representatives of the Non-Self-Governing Territories, schools, organizations and individuals information on decolonization issues.

11. The annual regional seminars provided a valuable opportunity to exchange information on decolonization and enabled the representatives of Non-Self-Governing Territories to network with representatives of international organizations providing assistance to Non-Self-Governing Territories in the region. The recent Caribbean regional seminar had been attended by representatives of the World Health Organization/Pan American Health Organization and of the Economic Commission for Latin America and the Caribbean. A statement had been provided by the

United Nations Development Programme. The seminar had also attracted significant media coverage in the region. The Department intended to follow up actively to encourage increased engagement by the United Nations system with the Committee's work.

12. The material distributed at those seminars, at Special Committee and Fourth Committee meetings, and at hearings of petitioners, included three brochures entitled, respectively, "The United Nations and Decolonization", "The United Nations and Decolonization, Questions & Answers" and "What the UN Can Do to Assist Non-Self-Governing Territories". All three were available on the decolonization website. An updated version of the assistance brochure had been published on the decolonization website just the previous month.

13. In 2004, the Decolonization Unit had assumed responsibility for maintaining the decolonization website. In 2007, the Unit, in close consultation with the Department of Public Information, had begun exploring ways of making the website more user-friendly. A new interactive website with over 1,000 files of relevant information had been developed and would be launched shortly, once a number of technical difficulties had been resolved.

14. The Department of Political Affairs had also continued to expand its roster of individual experts, academics and organizations concerned with decolonization and with the situation in the Non-Self-Governing Territories. The roster brought participants with new insights to the regional seminars and enabled the Decolonization Unit to expand its network of informal contacts. Moreover, in response to a request by the Committee, statements made at the regional seminars were now posted on the decolonization website.

15. Lastly, the Department of Political Affairs, through its Decolonization Unit, continued to provide updated information to the Public Inquiries Unit and to the Guided Tours Unit, and to update the decolonization chapter in the publication entitled *The United Nations Today*.

16. **The Chairman** drew attention to draft resolution A/AC.109/2009/L.5.

17. **Mr. Cherniavsky** (Secretary of the Committee) said that the text contained in document A/AC.109/2009/L.5 reflected an earlier draft not the version approved by the Committee. Accordingly, in paragraph 2, the words "to empower" should be replaced by the word "through" and the words "to actively engage and seek new and innovative ways" should be inserted before the words "to disseminate material to the Non-Self-Governing Territories".

18. *Draft resolution A/AC.109/2009/L.5, as orally corrected, was adopted.*

Question of sending visiting missions to Territories
(A/AC.109/2009/L.6)

19. **The Chairman** drew attention to draft resolution A/AC.109/2009/L.6.

20. *Draft resolution A/AC.109/2009/L.6 was adopted.*

The meeting rose at 11 a.m.

United Nations A/AC.109/2009/SR.4

General Assembly

Distr.: General
7 July 2009

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 4th meeting

Held at Headquarters, New York, on Tuesday, 9 June 2009, at 10 a.m.

Chairman: Mr. Davies (Vice-Chairman) ..... (Sierra Leone)

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09-36343 (E)

Please recycle

In the absence of Mr. Natalegawa (Indonesia), Mr. Davies (Sierra Leone), Vice-Chairman, took the Chair.

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of Gibraltar (A/AC.109/2009/15)

2. **The Chairman** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item.

3. **Mr. Virella** (Observer for Spain) said that his Government was fully committed to decolonization, in particular to the decolonization of Gibraltar. Gibraltar was the only Non-Self-Governing Territory maintained by a European State on the territory of another European State, both of which were member States of the European Union and of the North Atlantic Treaty Organization (NATO). The situation in Gibraltar was colonial in nature and was therefore incompatible with the principles and objectives of the Charter of the United Nations. The situation, which undermined the national unity and territorial integrity of Spain, was governed by the Treaty of Utrecht, a valid treaty that had been accepted by Spain and the United Kingdom, under which Gibraltar had only one option: to continue being British, or to revert to Spain.

4. The United Nations had had a clear mandate regarding Gibraltar since 1964, and took decisions each year urging the United Kingdom and Spain to undertake bilateral negotiations to find an agreed solution that took the interests of the colony's inhabitants into account. In accordance with that mandate, the Government of Spain was keen to renew negotiations with the United Kingdom in the framework of the Brussels Process.

5. His Government believed that the Committee's work was still very relevant and that the Committee should continue to work within the parameters of United Nations doctrine and in accordance with its mandate despite any declarations to the contrary. Spain supported the Chairman's intention to take a realistic approach and take into account the specific characteristics of each Territory on a case-by-case basis. Gibraltar should not be removed from the Committee's list, since doing so would jeopardize the process established by the United Nations on the basis of a so-called modern constitutional relationship that was in fact no more than "colonialism by consent" and did not comply with either the spirit or the letter of the resolutions.

6. Despite the scanty progress achieved in the decolonization of Gibraltar, the Forum for Dialogue on Gibraltar had been successful. Spain remained fully committed to that process, started in 2004, aimed at resolving through cooperation the local issues affecting the well-being of the people of Gibraltar and the surrounding area. It hoped that the agreements reached at the Forum for Dialogue would contribute to creating an atmosphere conducive to resolving the questions of sovereignty, separately, in the framework of the Brussels Process. Spain remained committed to negotiating with the United Kingdom, at the United Nations, so the General Assembly could again approve its consensus decision on Gibraltar, since that was the only way that a definitive solution to the question of Gibraltar could be found.

Hearing of petitioners

7. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Gibraltar), took a seat at the petitioners' table.*

8. **Mr. Bossano** (Leader of the Opposition, Gibraltar) noted that participants at the recent regional seminar held in Saint Kitts and Nevis had been told that the successful conclusion of the internal constitutional modernization exercise in the British Virgin Islands might entitle that Territory to achieve decolonization. Indeed, although there had been much talk throughout both International Decades for the Eradication of Colonialism of the need to explore innovative means of decolonization for the remaining 16 Non-Self-Governing Territories, Spain appeared to expect Gibraltarians to accept that their rights as a people should be measured by the yardstick of the Europe of 1713, instead of by 2009 values. At the regional seminar, the representative of Spain had said that he regretted not being able to report "good news", by which he meant the handing over of Gibraltarians to a foreign government, contrary to their wishes, in accordance with the Treaty of Utrecht. He had not, however, mentioned Gibraltar's failure to fully comply with the other obsolete requirements of the 1713 Treaty.

9. The other basis of Spain's claim was that the Committee had invented a territorial dispute doctrine, one which took precedence over the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the long-established international jurisprudence on decolonization and self-determination that was universally accepted as *jus cojens*. The representative of Spain had told the regional seminar that, since 1964, the mandate of the Committee had been to decolonize Gibraltar on whatever terms could be agreed between the administering power and Spain. However, in 1964 the Committee had affirmed in a statement of consensus that the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/RES/1514 (XV)) was fully applicable to Gibraltar, and merely noted the existence of a disagreement between the United Kingdom and Spain. That was the so-called 1964 mandate, and not the version that Spain had been repeating for 45 years.

10. Modern democratic Spain, as Gibraltar's nearest neighbour, should respect the wishes of the people of Gibraltar and help them emerge from colonialism into a new international status and take their rightful place in the family of nations, instead of complaining because it had lost a battle in 1704 over a small piece of territory that it had captured in an earlier battle from its previous Muslim owners, who had ruled it for 750 years. However, instead of respecting and providing support for Gibraltar, in 2009, Spain had challenged the sovereignty of Gibraltar's territorial waters. Spain had always maintained that Gibraltar could not have territorial waters, since they were not provided for in the 1713 Treaty. However, even during the 16-year siege imposed in 1969, it had respected those territorial waters, never attempting to apply Spanish law to vessels anchored in them, and demarcating flight paths over them that were followed by aircraft not permitted to use Spanish air space. That had changed in 2009, when it had claimed responsibility for the environmental protection of Gibraltar's waters, which it was unable to deliver, and had made a number of incursions into its territorial jurisdiction, causing the United Kingdom, the administering Power, to take action to protect the sovereignty of the waters, as required by the Constitution of Gibraltar. He condemned Spain's aggressive act, which was incompatible with Article 74 of the Charter.

11. The Committee's statement in 1964 requesting the United Kingdom and Spain to negotiate on the question of Gibraltar was in line with Chapter VI of the Charter, which provided for the pacific settlement of disputes. However, it did not override the provisions of Chapter XI, which enshrined the rights and protections of peoples that had not yet attained a full measure of self-government. Spain continued to say that the only option available to Gibraltarians, unlike the rest of mankind, was to remain as a Non-Self-Governing Territory, either under the administration of the United Kingdom or of Spain. That would perpetuate rather than eradicate colonialism. Spain denounced "colonialism by consent", while advocating an even worse option — colonialism without consent and by imposition — as the only alternative.

12. The United Nations' definition of decolonization was clear: there could be no decolonization without self-determination. Gibraltar was on the Committee's list because it had accepted Gibraltarians as a separate people from the administering Power, as required by the provisions of resolution 1541 (XV) Principle (IV). The question before the Committee therefore concerned the nature of the relationship between the Gibraltarians and the sovereign monarch. If the people did not enjoy a full measure of self-government, the Territory was Non-Self-Governing. Determining the identity of the appropriate monarch for Gibraltar was irrelevant. Spain had been employing false arguments and was relying on the support of some of its former colonies. Those countries should note that they had more in common with Gibraltar than Spain, since they themselves had once exercised their right to determine their own future without external interference.

13. The Committee needed to use the instruments already at its disposal to assess constitutional change in Non-Self-Governing Territories, in order to comply with its duty to monitor their progress towards the achievement of a full-measure of self-government. If there was no progress to report, it was not because the Committee's criteria were archaic, as the United Kingdom claimed, but because they were not being applied. Since 1948, resolution 222 (III) on the cessation of transmission of information under Article 73 *e* of the Charter had made it clear that it was essential that the United Nations be informed of any change in the constitutional position and status of any such territory as a result of which the administering Power thought it unnecessary to transmit information

in respect of that Territory. The Committee was required to indicate whether it agreed with the United Kingdom's claim that Gibraltar's new Constitution made their relationship non-colonial and that Gibraltar was therefore no longer a Non-Self-Governing Territory. That was what should be included in the report to the Special Political and Decolonization Committee, rather than simply repeating that the matter was once again being deferred for another year. That duty was clearly set out in resolution 1970 (XVIII), paragraph 5.

14. Resolution 1541 (XV) provided for three decolonization options and a fourth was provided under resolution 2625 (XXV). Spain's preference was for a fifth fictitious option — that Gibraltar should remain a Non-Self-Governing Territory but pass under Spanish rule. That was not an option the Committee could or should support, since it ran counter to its decolonization mandate. Gibraltar was not prepared to hand over to or share with Spain even one inch of its land, one drop of its territorial waters — currently 3 nautical miles but which it had the right to extend to 12 — or its half of the Bay of Gibraltar, nor any of its sovereign airspace over its land or sea. There should be no doubt that if Spain succeeded in delaying Gibraltar's decolonization then colonialism would never be eradicated.

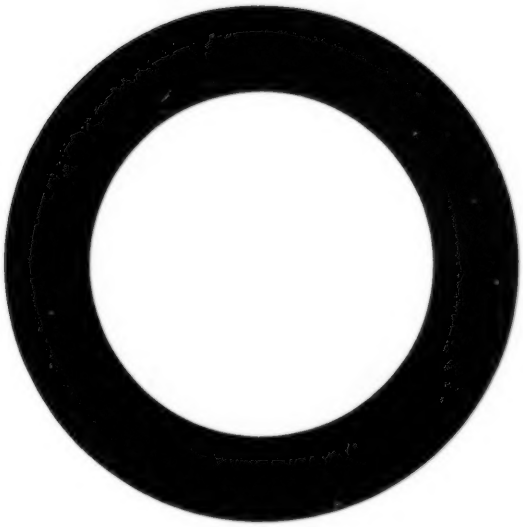
15. He had been enormously encouraged by the Chairman's statement at the regional seminar that the Committee needed to explore ways and means of making a better assessment of the state of decolonization and self-determination in each Non-Self-Governing Territory on a case-by-case basis. He urged the Committee to look at the question of Gibraltar as it would any of the other Territories still not enjoying a full measure of self-government.

16. *Mr. Bossano withdrew.*

17. **The Chairman** suggested that the Committee should continue its consideration of the Question of Gibraltar at its next session, subject to any General Assembly directives.

18. *It was so decided.*

The meeting rose at 10.50 a.m.



United Nations A/AC.109/2009/SR.5

General Assembly

Distr.: General
21 July 2009

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 5th meeting

Held at Headquarters, New York, on Monday, 15 June 2009, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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Special Committee decision of 9 June 2008 concerning Puerto Rico

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09-36934 (E)

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The meeting was called to order at 10.30 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

2. **The Chairman** informed the Committee that the delegations of Guatemala, Honduras, Nicaragua, Panama and Uruguay wished to participate in the substantive session of the Special Committee as observers.

Special Committee decision of 9 June 2008 concerning Puerto Rico (A/AC.109/2009/L.7 and L.13)

3. **The Chairman** informed the Committee that the delegations of Nicaragua, Guatemala and Panama wished to participate in the Committee's consideration of the item as observers.

Draft resolution A/AC.109/2009/L.7

4. **Mr. Moreno** (Cuba), introducing draft resolution A/AC.109/2009/L.7, said that it, inter alia, stressed the urgent need for the Government of the United States of America to expedite a process that would allow the Puerto Rican people to exercise their inalienable right to self-determination; expressed concern that despite the diverse initiatives taken by the political representatives of Puerto Rico, a process of decolonization that would satisfy the Puerto Rican people's aspirations had not yet been set in motion; reiterated that the Puerto Rican people constituted a Latin American and Caribbean nation that had its own unequivocal national identity; referred to the principle that any initiative for the solution of the political status of Puerto Rico should originate from the people of Puerto Rico; and urged the Government of the United States to complete the return to the Puerto Rican people of occupied land and installations on Vieques Island and in Ceiba, and to expedite the cleaning up and decontamination of areas used in military exercises. The draft resolution expressed serious concern regarding actions carried out against Puerto Rican independence fighters, called once more for the release of Puerto Rican political prisoners held in United States prisons, and requested the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects. He hoped that the draft resolution would be adopted by consensus.

Hearing of petitioners

5. **The Chairman** drew attention to the further requests for hearing contained in the addendum to aide-mémoire 09.09. He took it that the Special Committee wished to accede to those requests.

6. *It was so decided.*

7. *At the invitation of the Chairman, Mr. Hernández González (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*

8. **Mr. Hernández González** (Colegio de Abogados de Puerto Rico) said that, despite international instruments to which it was party and the resolutions of the General Assembly and the Special Committee, the United States of America had done nothing to address the colonial situation of Puerto Rico and had repeatedly rejected Puerto Rican initiatives for greater sovereignty. His organization rejected the United States proposal of a referendum, and advocated a constitutional assembly on status to define alternatives to colonialism in line with international law.

9. He denounced the continued incarceration of Puerto Rican political prisoners, who were serving sentences in United States prisons, that were out of proportion to their offences, and expressed concern over the application by United States prosecutors of the death penalty in Puerto Rico although that ran counter to Puerto Rico's Constitution. He urged the Committee to condemn United States Government intervention in Puerto Rico's daily life and electoral processes, including physical attacks by Federal Bureau of Investigation agents on journalists and the arbitrary prosecution of supporters of independence and Governor Acevedo Vilá. Also of concern were the failure of the United States Government to honour its commitment to clean-up of Vieques bombing range and the installation of a military surveillance radar station on Vieques, ostensibly to combat drug trafficking, that in fact made the Territory a potential target.

10. He urged the Special Committee to recommend that the question of Puerto Rico be referred to the General Assembly and that the Assembly should refer the matter to the International Court of Justice to request an advisory opinion on the illegality of the United States presence in Puerto Rico. It should stress that a constitutional assembly on status was the appropriate mechanism to bring about Puerto Rico's decolonization.

11. *Mr. Hernández González withdrew.*

12. *At the invitation of the Chairman, Mr. Martín (Partido Independentista Puertorriqueño) took a place at the petitioners' table.*

13. **Mr. Martín** (Partido Independentista Puertorriqueño) said that the end of the Second International Decade for the Eradication of Colonialism in 2010 and the two-hundredth anniversary of independence movements in Latin America could be motivation enough for Latin America and the Caribbean States to force the United States of America to end colonialism in Puerto Rico by bringing the issue before the General Assembly. That would have been unthinkable during the Cold War. The United States Congress would then come under moral and legal pressure to comply with its decolonization obligations under international law.

14. *Mr. Martín withdrew.*

15. *At the invitation of the Chairman, Ms. Susler (National Lawyers' Guild International Committee) took a place at the petitioners' table.*

16. **Ms. Susler** (National Lawyers' Guild International Committee), after describing the reintegration into society of Puerto Rican political prisoners released in 1999, and the suffering of those who were still detained, urged the Committee to recommend that the General Assembly should adopt a resolution on the question of Puerto Rico. She called on the United States Government to put an end to the criminalization of, and attacks on the Puerto Rican Independence movement; release all Puerto Rican political prisoners; quash the grand jury subpoenas and stop using the grand jury as a tool for repression; identify and prosecute the assassins of militants of the Independence movement; withdraw United States police and military forces from Puerto Rico; withdraw from and clean-up Vieques and compensate its people; stop applying the death penalty in Puerto Rico; and to formally commit to negotiate in good faith with the people of Puerto Rico a solution to the island's colonial status.

17. *Ms. Susler withdrew.*

18. *At the invitation of the Chairman, Ms. Ramos (American Association of Jurists) took a place at the petitioners' table.*

19. **Ms. Ramos** (American Association of Jurists) said that her organization was firmly committed to the eradication of colonialism and supported the draft resolution. Puerto Rican culture was under attack. While ethnicity was not considered a determining factor in the formation of States, it was the most important factor for minorities suffering discrimination because of their ethnic or national origin and culture. The lack of sustainable development, to which all peoples had a right, and the preservation of Puerto Rican culture and identity were both closely linked to the colonial situation, since almost all aspects of life in Puerto Rico were controlled by the United States of America for its own benefit.

20. Even though the United States Navy had ceased its military activities in Vieques, it continued "decontaminating" the island using unsafe methods. People living near decommissioned United States military bases in Puerto Rico had not been informed about the toxic substances left behind.

21. The current administration, which was not concerned about the health of the inhabitants of Vieques or Puerto Ricans, planned to hand over basic services to private companies. The Government of Puerto Rico, with the backing of the United States Government, was attempting to change the administrative system that had protected Puerto Rico's culture, environment and community services. Irreparable damage had been done to the archaeological site at Jácanas, among others, by the United States Army Corps of Engineers and United States archaeologists which, under the authority of the State Historic Preservation Office and the Department of Natural and Environmental Resources of Puerto Rico, had undertaken work in a manner that violated the laws of both Puerto Rico and the United States of America, as well as international agreements on the protection of cultural finds. The Governments of both nations had also agreed to cede control over sites of great significance to the Puerto Rican people, including the El Yunque tropical forest and the El Carso region to private companies. Another institution that was being jeopardized by the policies of the current administration of Puerto Rico was the Colegio de Abogados de Puerto Rico. Her organization opposed any attempt to disband that venerable organization.

22. Lastly, she reiterated the request for all Puerto Rican political prisoners to be released and appealed to the Committee to condemn colonialism in all its guises.

23. *Ms. Ramos withdrew.*

24. *At the invitation of the Chairman, Mr. Castillo (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

25. **Mr. Castillo** (Partido Nacionalista de Puerto Rico) said that colonialism was a crime against humanity that hindered development and called on all free countries to support Puerto Rico's fight for freedom and independence. The Committee's adoption of resolutions on Puerto Rico was key to raising awareness of Puerto Rico's right to self-determination and its claim for political and legal recognition as a nation.

26. Since Governor Luis Fortuño had taken office, more and more measures had been imposed in line with his wish to move Puerto Rico towards forced statehood, including the sale of Puerto Rico's public institutions. The Government of Puerto Rico had already sold off the public hospitals and the telecommunications company and planned to sell the university and public school premises to private companies. Roads and bridges would also be sold, while 60,000 government employees would be laid off. The Government of Luis Fortuño was riding roughshod over the Constitution of Puerto Rico and eliminating environmental protection laws in order to hand over land to developers for construction. There were also plans to replace civil service pension systems with private plans. Workers would no longer have collective agreements or rights since trade unions were also being abolished. The plan was to pillage Puerto Rico and turn it over to the United States through statehood. The United Nations should take measures to protect Puerto Rico from such an outrage.

27. Regardless of its statements at the United Nations, the United States of America had never intended to respect or even recognize the political sovereignty of the people of Puerto Rico. Indeed, the first step towards decolonization — the implementation of immediate measures to transfer all powers to the people of Puerto Rico without conditions or reservations — had not yet been taken. In Puerto Rico, there was increasing recognition, admiration and respect for national political figures who had laid down their lives for the cause and growing interest in the former president of the Partido Nacionalista de Puerto Rico. People from all political parties and social classes identified themselves as Puerto Rican.

28. Violations of human rights in Puerto Rico would only cease when it became a free and independent nation. When that goal was achieved, the administering Power should compensate Puerto Rico for the serious and irreparable damage that had been caused to its people and land. The people of Puerto Rico were counting on the support of the Committee, friends of Puerto Rico, and all nations that identified with their cause.

29. *Mr. Castillo withdrew.*

30. *At the invitation of the Chairman, Mr. Rivera Reyes (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) took a place at the petitioners' table.*

31. **Mr. Rivera Reyes** (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) said that his organization had spent 34 years fighting for Puerto Rico's right to self-determination. In 2008, the former Governor of Puerto Rico, Aníbal Acevedo Vilá, who was at that time president of the *Partido Popular Democrático*, had told the Committee about the development in the relations between the two countries, affirming the sovereignty of Puerto Rico. However, some high-level members of the party had publicly disagreed with its official position.

32. His organization believed that political and economic relations between Puerto Rico and the United States of America must be based on a clear recognition of the sovereignty of Puerto Rico and of its inalienable right to self-determination. In that regard, Puerto Rico could either opt for free association or for the fourth option set out in the annex to General Assembly resolution 2625 (XXV) — any other political status freely determined by the people.

33. PROELA endorsed the Secretary-General's call for the Committee to accelerate its work during the last years of the Second International Decade for the Eradication of Colonialism to achieve concrete results. The international community had a duty to consider the question of Puerto Rico and to preserve and defend the general principles of international law, including the principle of the *erga omnes* right to self-determination and the principle of sovereign equality.

34. The economic, social and psychological impact of the political situation in Puerto Rico was such that it affected peace and security. According to reports by the United States Central Intelligence Agency (CIA),

Puerto Rico had had the lowest economic growth in Latin America over the past two years. It was also experiencing an unprecedented surge in violence, with a higher murder rate than many countries embroiled in armed conflict. Colonialism had not equipped Puerto Rico for a self-sufficient future; indeed, it lacked the infrastructure to cope with the challenges of economic globalization and the ensuing global financial crises.

35. He urged the Committee to recommend that the United States authorities should comply with their obligations regarding the right to self-determination, including their obligation to raise awareness of the issue. PROELA also endorsed the call made in previous Committee resolutions for the question of Puerto Rico to be referred to the plenary of the General Assembly.

36. *Mr. Rivera Reyes withdrew.*

37. *At the invitation of the Chairman, Mr. Rivera (Puertorriqueños Unidos En Acción) took a place at the petitioners' table.*

38. **Mr. Rivera** (Puertorriqueños Unidos En Acción) said that 2010 would be an important year for the Committee, since it would mark the fiftieth anniversary of the adoption of resolution 1514 (XV). During those 50 years, 14 current members of the Committee had achieved independence. While 2010 would also mark the end of the Second International Decade for the Eradication of Colonialism, the process of decolonization was still incomplete in Puerto Rico and 16 other countries. Referring the question of Puerto Rico to the plenary of the General Assembly was the only realistic way of resolving Puerto Rico's colonial status. The solutions offered by the United States were simply intended to obstruct the work of the Committee and confound global public opinion as to the political, economic and social power it wielded over the Puerto Rican people, whom it was obliging to submit to colonialism by consent. Sovereign powers should be transferred to the people of Puerto Rico so that they could freely exercise their right to self-determination, in accordance with resolution 1514 (XV), the declaration of the fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Countries and the proclamation adopted by the Latin American and Caribbean Congress in Solidarity with Puerto Rico's Independence.

39. Any resolution adopted by the Committee must reflect the reality of the Puerto Rican diaspora. Puerto Rico was one nation, united by a common language, culture and race, that had been divided by colonialism; the process of decolonization should reunite it. Puerto Rican political prisoners in United States jails were also part of the Puerto Rican diaspora. Those serving disproportionate prison sentences simply for their commitment to Puerto Rican independence and decolonization, who were being subjected to psychological pressure and physical abuse, should be released.

40. The time had come for Puerto Rico to become part of the wider Caribbean so future generations of Puerto Ricans could enjoy the same freedoms as all sovereign nations.

41. *Mr. Rivera withdrew.*

42. *At the invitation of the Chairman, Mr. Pesquera Sevillana (Movimiento Independentista Nacional Hostosiano) took a place at the petitioners' table.*

43. **Mr. Pesquera Sevillana** (Movimiento Independentista Nacional Hostosiano) said that, until Puerto Rico achieved independence, the freedom and democracy of the whole of Latin America and the Caribbean would not be complete. The recent Summit Conference of Heads of State or Government of the Non-Aligned Countries had taken a decision to support Puerto Rico's right to self-determination and independence and its request for the question of Puerto Rico to be considered by the Plenary of the General Assembly as a separate issue. The Committee should endorse that request. It was of the utmost importance that the General Assembly should request the United States of America to comply with international law with respect to Puerto Rico and allow eight million Puerto Ricans, including those living in the United States of America, to exercise their right to self-determination.

44. The legislation on Puerto Rico that had been submitted to the United States Congress was part of an annexation strategy based on the idea that Puerto Rico belonged to the United States of America. Nothing could be farther from the truth; Puerto Rico belonged to all Puerto Ricans and to nobody else. Puerto Rico had been under illegal occupation since the 1898 invasion and any action taken since then was illegal.

45. A constitutional assembly on status should be held, without the involvement of the United States of America, to move the decolonization process forward.

As a gesture of good faith, the United States Government should immediately and unconditionally release all Puerto Rican political prisoners. That Government should also acknowledge, and make reparation without delay for, the damage that had been done to the Puerto Rican nation over the course of more than a century of colonialism, including the pollution of the environment of Vieques Island following over 60 years of military exercises and the subsequent adverse impact on the health of its inhabitants.

46. The United States Government should stay out of the decolonization process. Resolving the colonial problem in Puerto Rico was not simply a matter of dignity and principle; it was absolutely necessary if the country was to tackle its serious economic, social and political problems. The establishment of the Commonwealth in 1952 had not led to any progress. On the contrary, the limited concessions to autonomy or self-government had since been dramatically restricted and there was severe and constant intervention by federal agencies in the daily lives of Puerto Ricans. Indeed, under new legislation proposed by the United States President, United States-owned factories in Puerto Rico would be subject to United States tax, resulting in the loss of some 100,000 jobs in the manufacturing industry.

47. *Mr. Pesquera Sevillana withdrew.*

48. *At the invitation of the Chairman, Ms. Reverón Collazo (Comité Puerto Rico en las Naciones Unidas) took a place at the petitioners' table.*

49. **Ms. Reverón Collazo** (Comité Puerto Rico en las Naciones Unidas) said that, since the adoption in 1953 of General Assembly resolution 748 (VIII), the United States of America had been able to behave as it wished with regard to Puerto Rico, without any international supervision whatsoever, while Puerto Rico had been prevented from participating directly as a sovereign country in international discussions. The Puerto Rican people's hopes that United States policy towards Puerto Rico would change with the election of President Obama had been dashed. The United States Government continued to argue that the case of Puerto Rico was an internal affair and to hide behind the lack of consensus among Puerto Ricans.

50. With the adoption in 1960 of resolution 1514 (XV), pro-independence Puerto Ricans had begun to work to ensure that the Special Committee considered the question of Puerto Rico. Since 1972, 27 resolutions had been adopted and forwarded to the General Assembly as part of the Special Committee's report and yet the question of Puerto Rico had still not been reopened for discussion in the General Assembly. The United Nations must acknowledge that the adoption of resolution 1514 (XV) had radically changed the situation and reopen the General Assembly's discussion on Puerto Rico. The Puerto Rican people's inalienable right to independence must be defended.

51. Lastly, she paid tribute to the Puerto Rican political prisoners Oscar López Rivera, Carlos Alberto Torres and Avelino González Claudio.

52. *Ms. Reverón Collazo withdrew.*

53. *At the invitation of the Chairman, Mr. Hernández López (Frente Autonomista) took a place at the petitioners' table.*

54. **Mr. Hernández López** (Frente Autonomista) said that the United States of America had reneged on the promises it had made over 50 years earlier. It controlled Puerto Rican ports and airspace and obliged Puerto Rico to trade solely with it, while its corporations determined basic commodity prices. Worse still, it used its federal courts and power structures to control the election of Puerto Rican public officials. Such actions had left Puerto Rico economically dependent, with a huge social crisis and a population suffering from an identity crisis and low self-esteem.

55. The United Nations had also failed the Puerto Rican people, who were obliged to send their representatives on a yearly pilgrimage to the Committee without any tangible result. The Puerto Rican people deserved much better, especially from their fellow Latin Americans. He urged the Committee to refer the question of Puerto Rico's status to the General Assembly. In the meantime, the people of Puerto Rico were ready for a constitutional assembly that would enable them to claim what was rightly theirs.

56. , *Mr. Hernández López withdrew.*

57. *At the invitation of the Chairman, Mr. Román Espada (Coalición Puertorriqueña contra la Pena de Muerte) took a place at the petitioners' table.*

58. **Mr. Román Espada** (Coalición Puertorriqueña contra la Pena de Muerte) said that Puerto Rico was the only jurisdiction in the world in which, although the people had taken steps to ban the death penalty, including through legislation and the Constitution, such punishment was nonetheless imposed by virtue of United States legislation. It was also the only nation in which death penalty proceedings were conducted in a language different from the people's native tongue. Puerto Ricans could be extradited to face the death penalty anywhere in the United States of America even if the Government of the Commonwealth of Puerto Rico opposed it.

59. Although there had been no death penalty convictions by federal courts, five such cases were pending in the Federal District Court of Puerto Rico. Moreover, since jury selection for death penalty cases was based on the candidates' comprehension of the English language, an overwhelming majority of the population was precluded from the selection process. The jury was therefore not representative of the Puerto Rican community.

60. He requested the Committee to recommend that the General Assembly should consider the serious conflict existing between Puerto Rico's right to self-determination and the application of the death penalty within its territory by the United States of America and to adopt a resolution demanding that the United States Government immediately stop application of the federal death penalty in Puerto Rico.

61. *Mr. Román Espada withdrew.*

62. *At the invitation of the Chairman, Mr. Villanueva Muñoz (Comité Pro Derechos Humanos de Puerto Rico) took a place at the petitioners' table.*

63. **Mr. Villanueva Muñoz** (Comité Pro Derechos Humanos de Puerto Rico) said that his organization had received thousands of letters from around the world requesting the release of Carlos Alberto Torres, Oscar López Rivera and Avelino González Claudio. Political prisoners existed because colonialism existed. International law defined colonialism as a crime, while federal law defined seditious conspiracy — in other words, the struggle against colonialism — as a crime.

64. The existence of a colonial regime had caused serious problems in Puerto Rico. Official unemployment stood at almost 15 per cent; over 700 murders were committed each year; tourism could not be developed as a viable industry; and agricultural products could not be protected. Furthermore, the federalization of criminal investigations meant that constitutional provisions on the death penalty, wiretapping and the right to bail were violated.

65. Thus far, there had been three referendums on Puerto Rico's political status. All had called for a change in status; not one had been addressed by the United States Government. Puerto Rico had wanted to establish a constitutional assembly on status, but colonialists had blocked it. Congress did nothing to encourage it either, allowing talk of a federal plebiscite that excluded the possibility of statehood. President Obama urged countries around the world to respect human rights, while maintaining a colonial regime in Puerto Rico. The existence in Puerto Rico of a Grand Jury seriously limited Puerto Ricans' civil liberties. The outcome of the referendum on the United States military presence in Vieques, meanwhile, had only been honoured partially.

66. A people whose Government was controlled by the Government of another country was a people subjected to colonialism. It was precisely against such injustice and human rights violations that Puerto Rico's political prisoners had fought.

67. *Mr. Villanueva Muñoz withdrew.*

68. *At the invitation of the Chairman, Mr. Paret Vélez (Colectivo de Trabajo por la Independencia de Puerto Rico) took a place at the petitioners' table.*

69. **Mr. Paret Vélez** (Colectivo de Trabajo por la Independencia de Puerto Rico) said that the problems facing Puerto Ricans were rooted in colonialism and had been accentuated by their current extreme-right Government. In addition to environmental degradation, loss of arable land and pollution due to capitalist-imperialist exploitation, Puerto Rico was suffering from an alarming increase in every kind of crime, including drug trafficking, murder and domestic violence, while the majority of its people wallowed in extreme poverty, was often unemployed and did not have adequate health care.

70. Their Government was a puppet of imperialism and had responded to the current economic crisis by disguised privatization and massive lay-offs in the pubic sector; it served the interests of the rich and of transnational capitalism and allowed foreign companies, including United States monopolies, to rule

over the media. An increasingly neo-fascist Puerto Rico was emerging, where organizations and institutions opposed to the colonial regime were persecuted, repressed and eliminated.

71. All those who, across party lines, were seeking the colony's independence demanded the liberation of Puerto Rican political prisoners in the United States of America as a basic political right. After 511 years of colonial government, it was high time for the people of the oldest and largest colony in the world to exercise its inalienable right to self-determination and independence. He urged that the issue should be discussed by the General Assembly in plenary.

72. *Mr. Paret Vélez withdrew.*

73. *At the invitation of the Chairman, Ms. Dátil (Soho Art Festival) took a place at the petitioners' table.*

74. **Ms. Dátil** (Soho Art Festival) said that, in its treatment of Puerto Rico, the United States of America had violated its own laws, in particular Public Law 82-4447, which provided that the contractual relationship between the archipelago and the United States of America could only be altered by mutual agreement between the parties, as well as the thirteenth and fourteenth Amendments to the Constitution, Public Law 600-1917, and articles V and XV of the Constitution. The relief urgently needed by the Puerto Rican people could only be ensured by amending Public Law 82-4447, resolving the matter of the military bases in the archipelago and earmarking funds to halt the trafficking in human beings and illegal drugs. Should there be no response to her petition within 30 days, she would institute international legal proceedings against the United States Government with a view to establishing a just form of government in Puerto Rico and obtaining monetary compensation for the illegal invasion of the archipelago and the killing by bombardment of thousands of its citizens.

75. *Ms. Dátil withdrew.*

76. *At the invitation of the Chairman, Mr. Manuel (Socialist Workers Party) took a place at the petitioners' table.*

77. **Mr. Manuel** (Socialist Workers Party) said that the people of Puerto Rico and workers and farmers in the United States of America had a common enemy, namely the United States billionaires. A successful fight for the colony's independence was therefore in the interests not only of the Puerto Rican people, but also of the vast majority of the people of the United States of America, where the attacks against workers and farmers were part of the imperialist rulers' broader war on the oppressed around the world.

78. He called on the United States Government to release all Puerto Rican political prisoners, as well as the Cuban Five, who continued to be in the front line of the United States class struggle. Revolutionary Cuba, which had shattered the lie that an oppressed people could not survive without help from the United States of America, had unwaveringly defended Puerto Rico's right to independence. The Committee's condemnation of Washington's colonial rule in Puerto Rico would serve the interests of the majority of United States citizens and of all those who were fighting for the right to self-determination.

79. *Mr. Manuel withdrew.*

80. *At the invitation of the Chairman, Ms. Luz Rexach (National Advancement for Puerto Rican Culture) took a place at the petitioners' table.*

81. **Ms. Luz Rexach** (National Advancement for Puerto Rican Culture) said that in 1917 the United States Congress had granted American citizenship to all Puerto Ricans; according to the United States Constitution, all United States citizens should have the same rights. Puerto Ricans were sent to war for the United States, but they could not vote to have representatives in the United States Congress.

82. Puerto Rico was not a colony, since it had an elected governor; the majority of its people wanted it to be the fifty-first State of the United States. Once Puerto Rico had achieved statehood, most of its people would not pay any federal income tax but would receive earned income credits. Thousands of federal jobs would thereby be created and many Puerto Ricans would return to the island. The voices of the three million Puerto Ricans in the United States mainland and the three and a half million on the island must be heeded, both for their own sake and in the interests of world peace.

83. *Ms. Luz Rexach withdrew.*

84. *At the invitation of the Chairman, Mr. Delgado Rodríguez (Alianza pro Libre Asociación Soberana) took a place at the petitioners' table.*

85. **Mr. Delgado Rodríguez** (Alianza pro Libre Asociación Soberana) said that Puerto Rico possessed all the qualities of a nation, including the continued use of its own language, Spanish, which was one of its bulwarks against assimilation into the United States. Its people were proud to assert their Puerto Rican nationality and should be granted sovereign status, particularly in view of the failure of the Associated Free State model. A mechanism was needed in order to put in place a new political relationship of friendship between the United States of America and Puerto Rico in the form of sovereign free association. It was time for the process of decolonization to begin. A transitional phase might be negotiated that would enable the colony to move in a period of 15 to 20 years from its current state of dependency to that of a sovereign nation. An important part of the negotiation should focus on the right to freedom of movement among citizens of Puerto Rico and the United States of America.

86. If the United States believed in self-determination for Puerto Rico, it must support the proposal for its status to be debated within the United Nations; it must recognize that its 1952 agreement with Puerto Rico had not been an agreement between two sovereign countries. Moreover, it imposed its laws unilaterally on the colony, including the death penalty, which was a violation of Puerto Rico's Constitution. It was time for the United States to join other countries in helping Puerto Rico to cease being a colony and forge its own future, with the support of the United Nations, which should monitor any referendum on status and ensure that the options offered to the people of Puerto Rico were in accordance with General Assembly resolutions 1541 (XV) and 2625 (XXV).

The meeting rose at 1.05 p.m.

United Nations A/AC.109/2009/SR.6

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 15 June 2009, at 3 p.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 9 June 2008 concerning Puerto Rico (A/AC.109/2009/L.7 and L.13)

Hearing of petitioners (continued)

2. **The Chairman** drew the Committee's attention to a request for a hearing from a representative of the Comité Familiares y Amigos Avelino González Claudio. If he heard no objection, he would take it that the Committee wished to accede to that request.

3. *It was so decided.*

4. *At the invitation of the Chairman, Ms. Centeno Rodriguez (Frente Patriótico Arecibeño) took a place at the petitioners' table.*

5. **Ms. Centeno Rodriguez** (Frente Patriótico Arecibeño) said that, by conducting nuclear tests which had produced nuclear debris and created an artificial radiation belt above the southern Atlantic Ocean, the United States had, in effect, committed an act of environmental terrorism back in 1958. The radiation continued to cause problems for communications satellites and other military devices. While the United States Department of Defense was planning to carry out a project, inter alia, to clean the ionosphere of the radiation produced by those nuclear tests — and to use the National Astronomy and Ionosphere Center (NAIC) in Arecibo, Puerto Rico, for their purpose — the project would, in fact, deflect trapped radiation and deposit it over the territory of Puerto Rico and the southern hemisphere, resulting in another act of environmental terrorism against humanity.

6. The colonial status of Puerto Rico was therefore contributing to an environmental disaster. Accordingly, she urged the Special Committee to refer the case of Puerto Rico to the General Assembly.

7. *Ms. Centeno Rodriguez withdrew.*

8. *At the invitation of the Chairman, Mr. Ferrer (Partido Popular Democrático) took a place at the petitioners' table.*

9. **Mr. Ferrer** (Partido Popular Democrático), after recalling that his party upheld the right of the Puerto Rican people to determine their future status on the basis of the sovereign right of a people to self-determination, pointed out that, at a time when the President of the United States had pledged to work with Congress and all groups in Puerto Rico to resolve the issue of the latter's status, a new bill (H.R. 2499 — Puerto Rico Democracy Act) had been introduced that proposed a system designed to produce a majority in favour of statehood. That option had never won a majority in a plebiscite. The referendum would be held in two stages — the first ballot would offer a choice of either maintaining the present status or choosing a different status. A majority would choose the latter option since both those who favoured statehood and those who favoured independence would opt for it. The second round would offer a choice of statehood or association between two sovereign countries.

10. A constitutional assembly on status should be established to allow Puerto Ricans to consider all the various options available, including that advocated by his own party, namely, commonwealth status that implied a permanent association with the United States that could be alterable by mutual consent alone.

11. The Special Committee should affirm that commonwealth status was one way in which the people of Puerto Rico could freely exercise their right to self-determination in accordance with General Assembly resolution 2625 (XXV). Furthermore, it should condemn any attempt to achieve a predetermined result in electoral processes. Finally, the issue of Puerto Rico should be discussed in the General Assembly.

12. *Mr. Ferrer withdrew.*

13. *At the invitation of the Chairman, Mr. Adames (Centro Literario Anacaona) took a place at the petitioners' table.*

14. **Mr. Adames** (Centro Literario Anacaona) said that Puerto Rico was not a colony, and the Government operated in the same way as any state government of the United States. All citizens of Puerto Rico had United States citizenship and many had died on active military service, and as a result of incentives offered by the United States Government; half of the Puerto Rican population lived on the mainland.

15. Over 95 per cent of Puerto Ricans had consistently voted for some form of statehood or commonwealth status, as had the two main political parties. Puerto Rico could not be decolonized, because it was not a colony; the only viable solution was to

declare Puerto Rico the fifty-first state of the United States.

16. *Mr. Adames withdrew.*

17. *At the invitation of the Chairman, Ms. Vélez-Mitchell (PrimaVida Inc.) took a place at the petitioners' table.*

18. **Ms. Vélez-Mitchell** (PrimaVida Inc.) said that Puerto Rico's commonwealth status existed in name only; Puerto Ricans could not vote in federal elections and had no voice at the United Nations, unless invited to speak by Cuba. Their access to welfare and exemption from federal taxes were not benefits, but a means of keeping them in that voiceless position.

19. While she was happy that the United States marines had finally left Vieques after 60 years of bombing Puerto Rico and its oceans with uranium, she noted that the incidence of cancer on Isla Nena remained high. Finally, she expressed the hope that some way could be found to help Puerto Rico move away from its vulnerable position as a colony to the security of statehood or independence.

20. *Ms. Vélez-Mitchell withdrew.*

21. *At the invitation of the Chairman, Mr. Melé (65th Honor Task Force) took a place at the petitioners' table.*

22. **Mr. Melé** (65th Honor Task Force), speaking on behalf of the veterans from that regiment, said that, as a signatory to the United Nations Charter, the United States, could not deny the right to vote to a group of its own citizens because of an arcane piece of legislation.

23. The Spanish-American wars should have put an end to colonial rule but had resulted in the United States taking possession of colonial territories. The United States had made commendable efforts to balance autonomy, cultural preservation and consensus among the residents of Puerto Rico, yet their right to vote was still obstructed by a piece of legislation that Congress could easily amend.

24. He was making his petition on behalf of all the Puerto Rican soldiers who had died under the United States flag, and those who were still denied equal medical attention for injuries sustained, and called on the Special Committee to submit the petition to the General Assembly. Puerto Ricans had already paid the price for Statehood with their blood; they should be given the right to participate in national elections, so that statehood could be achieved by the ballot box rather than by terrorism.

25. *Mr. Melé withdrew.*

26. *At the invitation of the Chairman, Mr. Ortiz Quiñones (Acción Democrática Puertorriqueña) took a place at the petitioners' table.*

27. **Mr. Ortiz Quiñones** (Acción Democrática Puertorriqueña), noting that in 2004, the International Court of Justice had reaffirmed that the right to self-determination applied to all, said that it was unacceptable to refer to Puerto Ricans as United States citizens residing in Puerto Rico, as they had had a distinct national identity long before the 1898 invasion.

28. He urged the Special Committee to recommend that the General Assembly review the case of Puerto Rico and called for the latter to urge the United States to set in motion an equitable process of self-determination which should include the release of all Puerto Rican political prisoners currently held in the United States.

29. He reiterated his organization's support for a constitutional assembly on status to which the Puerto Rican people could elect representatives from political parties, civil society, and Puerto Ricans residing in the United States, in order to choose and negotiate a mutually acceptable transition with the United States Government.

30. The organization denounced the undue interference of the United States in Puerto Rican electoral processes, especially in the 2008 elections when the Governor had been falsely accused of corruption. The charges against him had been rapidly dismissed by a Puerto Rican jury. The General Assembly should urge the United States to stop interfering in the electoral processes of Puerto Rico.

31. *Mr. Ortiz Quiñones withdrew.*

32. *At the invitation of the Chairman, Mr. Suárez Rivera (DC-6) took a place at the petitioners' table.*

33. **Mr. Suárez Rivera** (DC-6), speaking as a member of a group which had recently entered the House of Representatives and committed an act of civil disobedience, recalled that colonialism in Puerto Rico had existed for over 100 years, during which time it had been marked by lies, starting with the denial by the leader of the United States invasion of Puerto Rico, that there was any intent to take over. A dictatorial

regime had been enforced through the use of brutal force for 50 years and in 1936, peaceful nationalist demonstrators had been massacred in the city of Ponce.

34. Puerto Ricans had been seeking a peaceful solution since the 1940s. In the early 1950s, Puerto Rican nationalists had attacked the building which housed the office of the Governor of Puerto Rico, and also the Presidential residence, Blair House in Washington, D.C., and the House of Representatives. There were currently three prisoners serving lengthy prison terms for sedition.

35. In the early 1960s, President Kennedy and Governor Luis Munoz Marin had taken steps to improve relations. However, due to inaction on the part of the United States Congress, little had been achieved although the United States and Puerto Rico Commission on the Status of Puerto Rico had produced a report on the status of Puerto Rico in the mid-1960s.

36. The people were weary of the lack of seriousness, the subterfuges and the neocolonialism. There were two possibilities for Puerto Rico: commonwealth status or independence. His group would not rest until the powers usurped by the United States were returned to the people of Puerto Rico. If the United States demonstrated no will to solve the problem, civil disobedience would intensify.

37. *Mr. Suárez Rivera withdrew.*

38. *At the invitation of the Chairman, Mr. Limeres (Comité Pro Independencia de Puerto Rico de Connecticut) took a place at the petitioners' table.*

39. **Mr. Limeres** (Comité Pro Independencia de Puerto Rico de Connecticut) said that, although the Puerto Rican people had developed a national identity well before their island had been invaded by the United States, the experience of living under colonial rule had robbed them of their self-esteem and hindered their development. The Puerto Rican community in the United States should understand that colonialism was the source of its problems because it was colonialism that had driven millions of Puerto Ricans into exile.

40. The Puerto Ricans had a history of being deceived by imperialists and even their own governors. In 1952, they had been tricked into believing that their "new relationship" with the United States would allow them greater freedom. Although the free association arrangement with the United States had been totally discredited, the deception still continued. The credibility of the island's institutions had fallen to unprecedented levels because of the present economic situation, violence and corruption, and the Government appeared to be more interested in facilitating corruption than in defending the people.

41. He called on the community of nations, in particular the Latin American countries, to voice its support for the Puerto Rican people.

42. *Mr. Limeres withdrew.*

43. *At the invitation of the Chairman, Ms. Frontera (Hostos Grand Jury Resistance Campaign) took a place at the petitioners' table.*

44. **Ms. Frontera** (Hostos Grand Jury Resistance Campaign) said that the United States Government had used the tactics of State terrorism, including secret evidence and the threat of summary justice, in order to intimidate and silence the Puerto Rican patriotic movement. Yet she and her comrades would never abandon their homeland and were ready to pay any price to secure its independence. Freedom and dignity were not negotiable.

45. Recalling that the United Nations had been founded on the ideals of justice, liberty and democracy, she called on Member States to fulfil their responsibility to act on the question of Puerto Rico and end the enslavement of the Puerto Rican people.

46. *Ms. Frontera withdrew.*

47. *At the invitation of the Chairman, Mr. Felix (Ministerio Latino) took a place at the petitioners' table.*

48. **Mr. Felix** (Ministerio Latino) said that the people of Puerto Rico continued to work for the United States without proper compensation; the powerful continued to enslave the weak. It was sad to recall the history of injustice suffered by the island's people, beginning with the handover of Puerto Rico to the United States by Spain in 1898, an event that took place despite the fact that the land and people were not Spain's to hand over. The United States invasion of the island was followed by the imposition of the Foraker Law in 1900 by the United States Congress, under which the colonial government was constituted.

49. The people of Puerto Rico had been given United States citizenship under the Commonwealth arrangement, but without certain rights, such as the right to vote for the President of the United States.

Such a definition of citizenship was difficult to understand. The United States was a nation solidly grounded on the Bible, and its people by and large believed in the law and respect for others. The newly elected President of the United States had the burden of implementing justice in an equitable way, and in a way that ensured reciprocity between the strong and the weak. The basic needs of all people were the same, and each person had the obligation to live in such a way as to meet his own needs and those of others reciprocally.

50. *Mr. Felix withdrew.*

51. *At the invitation of the Chairman, Mr. Velgara (Movimiento de Afirmación Viequense) took a place at the petitioners' table.*

52. **Mr. Velgara** (Movimiento de Afirmación Viequense) said that the colonial relationship of Puerto Rico to the United States hindered the development of human rights guaranteed by the Universal Declaration of Human Rights. However, for the residents of the island of Vieques, the disparity in power between themselves and the United States Navy was much worse than that of a typical colonial relationship, in that they lacked the political power needed to repair the damage left behind by 60 years of military exercises held there.

53. One major effect of those military exercises had been the general deterioration in the health of the people of Vieques, who suffered from higher incidences of such diseases as cancer than the rest of the Puerto Rican people. Another effect had been the damage to the island's ability to support the population, because the pollution of the soil with heavy metals rendered agricultural products grown in it unsafe for human consumption. Unexploded ordnance in the surrounding waters made fishing very dangerous as well. The situation constituted a gross and systematic violation of the human rights of a defenceless people.

54. Furthermore, although the United States Navy was no longer using Vieques for military exercises, explosions were continuing there with the same frequency as before, because of the open-air detonation method used by the Navy to dispose of the vast quantities of unexploded ordnance on the island. That method comprised setting fire to undergrowth in order to explode the ordnance underneath, and had the effect of spreading the heavy-metal contamination downwind of the fires and explosions to agricultural and populated areas. The practice was one more insult to the people of Vieques and of Puerto Rico, as well as a mockery of the international community, without whose involvement the Navy would have stayed even longer.

55. The United States Navy had used the island of Vieques as a military laboratory for more than six decades, and was attempting to avoid responsibility for the resulting damage. He therefore called on the Committee to recommend that the case of Puerto Rico should be brought before the General Assembly under resolution 1514 (XV).

56. *Mr. Velgara withdrew.*

57. *At the invitation of the Chairman, Ms. Pagán (Committee for the Rescue and Development of Vieques) took a place at the petitioners' table.*

58. **Ms. Pagán** (Committee for the Rescue and Development of Vieques) said that in the early 1940s, two thirds of the island of Vieques had been appropriated by the United States military as a weapons and munitions testing range and storage facility. The inhabitants were resettled downwind of the impact area, and were exposed to the effects of Agent Orange, napalm and depleted uranium munitions being tested in the vicinity.

59. The health crisis resulting from six decades of war games perpetrated on the people of Vieques had yet to be addressed. Incidence rates for cancer, heart disease, high blood pressure, diabetes and asthma far surpassed those of the main island. The United States Navy continued to refuse responsibility for the disease toll, although the director of the Agency for Toxic Substances and Disease Registry had recently agreed to re-examine the Agency's study exonerating the Navy of blame. The east end of Vieques was one of the most contaminated areas in the world, and was paradoxically classified as both a Superfund toxic cleanup site and as a designated United States wilderness area. The people of Vieques had succeeded in expelling the United States Navy, but continued to suffer the effects of the health, environmental and economic damage left behind in violation of the norms of justice and human rights.

60. The Justice Department of the United States had recently invoked "sovereign immunity" as a defence tactic in a lawsuit filed against the Navy by 7,100 residents of Vieques. Such a defence deprived the

people of their day in court and compounded the injustice they had suffered. She called on the United States Government to compensate the people of Vieques for the harm to their health resulting from decades of bombings and their toxic by-products, and suggested that a public health strategy and plan of action should be implemented to address the health concerns of the entire population. Such a strategy should be devised and periodically reviewed on the basis of a participatory and transparent process, and should facilitate close monitoring through the use of health indicators and benchmarks.

61. *Ms. Pagán withdrew.*

62. *At the invitation of the Chairman, Ms. Acosta Buono (Frente Socialista de Puerto Rico) took a place at the petitioners' table.*

63. **Ms. Acosta Buono** (Frente Socialista de Puerto Rico) said that given that Puerto Rico was universally acknowledged to be a colony of the United States, it was essential that the topic be addressed by the General Assembly. It was especially true since, in recent years, the federal Government of the United States had carried out political assassinations and hostage-taking against independence activists in Puerto Rico; attempted, on numerous occasions, to impose the death penalty on Puerto Rican citizens; dismantled worker unions and jailed student leaders; increased its military presence in schools and public places; attacked groups of journalists doing their jobs; passed laws expropriating large reserves of land and water in the mountains of Puerto Rico; increased the repression of Latin American migrant workers arriving on Puerto Rican soil; and stepped up its recruitment of Puerto Rican nationals for its military interventions around the world. Moreover, it should not be forgotten that the United States Department of Justice had intervened directly in the Puerto Rican gubernatorial elections of 2000 and 2008.

64. The first step in resolving the problem of Puerto Rico's colonial status must be the immediate departure of the United States governmental apparatus from Puerto Rico, and particularly from its military and police organs and the release of Puerto Rican political prisoners.

65. She reiterated her organization's request that the colonial status of Puerto Rico should be taken up by the General Assembly on a priority basis, that the powers currently exercised in Puerto Rico by the United States Government should be transferred to the Puerto Rican people, and that the entire military, judicial and political apparatus of the United States should be immediately withdrawn. Her organization supported the draft resolution, before the Committee, and expressed its gratitude to Cuba for its solidarity with the Puerto Rican people, and to Ecuador and the Bolivarian Republic of Venezuela for joining Cuba in submitting the draft resolution.

66. *Ms. Acosta Buono withdrew.*

67. *At the invitation of the Chairman, Mr. Rivera (Gran Oriente Nacional de Puerto Rico) took a place at the petitioners' table.*

68. **Mr. Rivera** (Gran Oriente Nacional de Puerto Rico) said that, despite the farcical title of "Commonwealth" given it by the United States to deceive the world, Puerto Rico continued to be dominated by the United States and, as a colony, to be exploited as an important geopolitical base in United States relations with Latin America and the Caribbean, and as a source of wealth for United States corporations. Fully a third of its population were dependent on the United States Government for the food they needed to survive, while the imperialist exploitation of Puerto Rico's economy and the inability of Puerto Rico to negotiate treaties in support of its own interests left its working people in a precarious position.

69. Recalling that the Committee had adopted numerous resolutions confirming the appropriateness of ending the colonial relationship between the United States and Puerto Rico and had expressed its views concerning the excessive sentences imposed on Puerto Rican political prisoners, he respectfully urged it to do so with regard to the long sentences imposed on Oscar Rivera López and Carlos Alberto Torres, to insist on respect for the human rights of Avelino González Claudio, and finally to recommend that the case of Puerto Rico should be brought before the full General Assembly in order to realize the hopes of the Puerto Rican people for real change.

70. *Mr. Rivera withdrew.*

71. *At the invitation of the Chairman, Ms. Nesbit (Harriet Nesbit Halfway Houses) took a place at the petitioners' table.*

72. **Ms. Nesbit** (Harriet Nesbit Halfway Houses) said that Puerto Rico was not a colony; it had an elected

Governor and appreciated the US$ 20 billion in aid it received from the United States. She supported the desires of the people of Puerto Rico for statehood rather than independence, noting that those desires had been expressed repeatedly in elections.

73. *Ms. Nesbit withdrew.*

74. *At the invitation of the Chairman, Mr. Ortiz (Movimiento Socialista de Trabajadores) took a place at the petitioners' table.*

75. **Mr. Ortiz** (Movimiento Socialista de Trabajadores) said that while international solidarity had been a key factor in dealing with great injustices in the past, it was not a substitute for the labour of self-liberation that oppressed peoples had to complete. In the case of Puerto Rico, independence would not come about by decree or through the intervention of the United Nations, but through the manifest will of the people.

76. As additional evidence of the need for the General Assembly to rule on the case of Puerto Rico, he cited the dismantling of the States of the former Soviet Union through neo-liberal privatization policies that had traumatized millions of people. Such policies were now being imposed by the colonial authorities in Puerto Rico, the Wall Street interests intended to administer the bitter medicine of privatization, massive layoffs and the elimination of all existing labour rights. The privatization of electrical energy and water supplies, education, health and social services amounted to stripping the people of their sovereignty in the interest of capital. The people of Puerto Rico had not chosen that road, but had had it imposed on them and were thus in no position to set their own economic or governmental policies. For that reason, should the people recover their independence in the near future, they would not recognize the unfair contracts imposed by the colonial authorities.

77. Finally, recalling that numerous independence activists continued to be held prisoner — and that some had been in prison for more than 20 years — he said that, since the 11th of September, every Puerto Rican was regarded as a terrorist by the United States Government. He hoped that the views being expressed before the Committee would lead to the General Assembly ordering the United States to respect the fundamental ideals of the United Nations.

78. *Mr. Ortiz withdrew.*

79. *At the invitation of the Chairman, Mr. González (Comité Familiares y Amigos Avelino González Claudio) took a place at the petitioners' table.*

80. **Mr. González** (Comité Familiares y Amigos Avelino González Claudio) said that his father Avelino González Claudio had been arrested on 7 February 2008 by the Federal Bureau of Investigation, on the grounds of being a member of the Central Committee of the Partido Revolucionario de los Trabajadores Puertorriqueños/Ejercito Popular Boricua-Macheteros (PRTP/EPB-Macheteros), and of having taken part in planning and authorizing an operation. At his first court appearance, he had announced that he was an independence activist and political prisoner, and demanded that the Government should comply with General Assembly resolution 1514 (XV). He had also demanded the right to be tried in his homeland. His father had been treated inhumanely from the start; the single window of the cell in which he was being held was covered with sheet metal, and his health continued to deteriorate as his requests for medical attention were denied, in violation of his basic human rights. His treatment was typical of that received by all Puerto Rican independence activists.

81. The Committee should insist that the United States recognize the island's natural right to freedom. The entire American military, judicial and political apparatus should be withdrawn immediately from Puerto Rico, and all political prisoners should be freed. The transfer of all power to the people of Puerto Rico was an indispensable step in the decolonization process.

82. *Mr. González withdrew.*

Draft resolution A/AC.109/2009/L.7 (continued)

83. **Mr. Gregoire** (Dominica), speaking on behalf of the Movement of Non-Aligned Countries, reaffirmed the latter's positions on the question of Puerto Rico, as contained in the final document of the recent Ministerial Meeting of the Non-Aligned Movement Coordinating Bureau held in Havana. Recalling that, over the last 10 years, the Special Committee had adopted its resolutions on the issue of Puerto Rico by consensus, he called upon the Government of the United States of America to expedite a process that would allow the Puerto Rican people to exercise fully their inalienable right to self-determination and independence, and to return the occupied land and

installations on Vieques Island and at the Roosevelt Roads Naval Station to the Puerto Rican people.

84. **Mr. Hermida Castillo** (Observer for Nicaragua), noting that Puerto Rico was an integral part of Latin America and the Caribbean and that its people had demonstrated extraordinary persistence in their resistance to colonialism and imperialism, called on the General Assembly to engage in broad consideration of the colonial situation of Puerto Rico as soon as possible, and urged the Government of the United States to begin implementing the numerous General Assembly resolutions on Puerto Rico.

85. **Mr. Soler Torrijos** (Observer for Panama), recalling that over 200 years had elapsed since the beginning of Latin America's struggle for independence, said that the issue of Puerto Rico must be resolved as a matter of priority and General Assembly resolution 1514 (XV) must be applied without restriction.

86. Accordingly, the issue of Puerto Rico should be placed on the agenda of the General Assembly and the people of Puerto Rico should be given the opportunity to express all their varying opinions so that they could decide the status of their country.

87. **Mr. Espinosa** (Ecuador), recalling that the Committee had been considering the issue of Puerto Rico for over 30 years and had been unable to make concrete progress to end the colonial relationship, said that the issue should now be taken up by the General Assembly. Ecuador was proud to be a co-sponsor of the draft resolution and was committed to the cause of Puerto Rican independence.

88. **Mr. Gonsalves** (Saint Vincent and the Grenadines) recalled that, at the recent Ministerial Meeting of the Movement of Non-Aligned Countries in Cuba, 118 nations had reaffirmed the right of the people of Puerto Rico to self-determination and independence.

89. The decision of whether to opt for independence, statehood, autonomy or a continuation of the status quo was one that only the people of Puerto Rico could make. The Committee need only consider their right to make that decision. As to the United States, two things seemed beyond debate. First, the United States was responsible for the safe and effective clean-up necessitated by the bombings and military exercises it had carried out on Vieques Island. Secondly, it had a responsibility for expediting the process whereby the people of Puerto Rico exercised their right to self-determination in a way that respected the human rights of every Puerto Rican. Finally, he said that his delegation supported the adoption of draft resolution A/AC.109/2009/L.7 by consensus.

90. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) said that although Puerto Rico had been removed, in 1953, from the list of colonial territories required to submit reports, it still did not have sovereignty. Its people had fought heroically for over 500 years and remained under domination. His delegation urged the Government of the United States to provide for a process that would allow the people of Puerto Rico to exercise fully their inalienable right to independence in conformity with General Assembly resolution 1514 (XV).

91. Finally, in keeping with its position that sovereignty was an absolute right, his delegation had, once again, co-sponsored the draft resolution before the Committee and it hoped that the members of the Committee would adopt the draft resolution without a vote.

92. **Mr. Solón-Romero** (Plurinational State of Bolivia), said that, in order to restore international trust in it, the United Nations should place greater emphasis on finding a solution to the question of Puerto Rico, a solution that would allow the Puerto Rican people to exercise its inalienable right to self-determination and independence, in accordance with the purposes and principles of the Charter of the United Nations and international law.

93. His delegation fully supported the right of the Puerto Rican people to decide its future on the basis of General Assembly resolution 1514 (XV) and called for the draft resolution to be adopted by consensus.

94. **Mr. Taleb** (Syrian Arab Republic), noting that the people of Puerto Rico had struggled for many years to gain the right to self-determination, called upon the United States to face its responsibilities in that regard. Recalling that his country had supported the final document adopted at the 14th Summit Conference of Heads of State and Government of the Non-Aligned Countries, he expressed the hope that the draft resolution before the Committee would be adopted by consensus.

95. **Mr. Hosseini** (Islamic Republic of Iran) said that decolonization should remain a priority issue for the United Nations as long as there were millions of people living in Non-Self-Governing Territories. He expressed the hope that the adoption of the resolution by consensus would result in a process that would enable the Puerto Rican people to exercise fully its right to self-determination.

96. *Draft resolution A/AC.109/2009/L.7 was adopted.*

97. **Mr. Moreno Fernández** (Cuba), explaining his delegation's position, said that Cuba was pleased that the draft resolution had been adopted by consensus for the tenth consecutive year. The resolution had a special meaning for his delegation because the Cuban and Puerto Rican struggles for independence had been inextricably linked from the start, and because both countries had faced invasion by a common enemy. Cuba would continue to defend the legitimate right of the Puerto Rican people to self-determination and independence to the very end.

The meeting rose at 6.05 p.m.